



Department  
for Environment  
Food & Rural Affairs

helpline@defra.gsi.gov.uk  
[www.defra.gov.uk](http://www.defra.gov.uk)

**Your ref:** LMH.HQ.ah.24977

**Our ref:** RFI 5788

**Date:** 3<sup>rd</sup> October 2013

Dear Sir/Madam

**REQUEST FOR INFORMATION: Documentation regarding the Western Waters (ICES Area VII) Edible & Spider Crab Effort Management**

Thank you for your request for information about edible and spider crab effort management under the Western Waters Regime which we received on 6 September. As you know, we have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the information you requested:

- Information regarding the 10 points you raised.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on [www.gov.uk](http://www.gov.uk) together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.



If you have any queries about this letter, please contact me at [shaun.mclennan@defra.gsi.gov.uk](mailto:shaun.mclennan@defra.gsi.gov.uk)

Yours Faithfully

Shaun McLennan

## Annex A

### Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

---

## Annex B

### Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**REQUEST FOR INFORMATION: Documentation regarding the Western Waters (ICES Area VII) Edible & Spider Crab Effort Management**

- 1. Please provide a copy of the UK information provided to the European Commission under Article 3(1)(a) of Regulation 1954/2003 in respect of edible crab and spider crab for ICES Area VII in 1998-2002 together with any relevant covering letter(s).**

Please see attached correspondence with the Commission from 2003 that includes the original baselines in addition to a summary of the methods used. This information was submitted after a process of consultation with the industry carried out by Defra (some correspondence included).

- 2. Please confirm whether any increase was sought to the 543,366 kW days granted by regulation 1415/2004 to the UK for ICES Area VII and if so, on what basis and providing a copy of any submission(s) made to the Commission in this regard.**

Defra cannot find any evidence that any increase was sought.

- 3. Please comment on the information provided by Mr Edwards to Mr Venmore that the UK allocation had been increased to c. 800,000 kW days.**

Defra cannot find any evidence that Mr Edwards or any Defra official stated that the UK allocation had been increased to c. 800,000 kW days. If Mr Venmore or anyone else can provide written evidence to support this claim then we will be happy to investigate further.

- 4. Please confirm whether the UK has, for crab fisheries in ICES VII since 2004 alternatively since 2008, requested any adaptations of its quota under Article 12 of Regulation 1954/2003 and/or exchanged any quota with other Member States under Article 20(5) of Regulation 2371/02 or otherwise sought to increase the quota allocation beyond 543,366kW days.**

No changes have been requested since 2004 in accordance with article 12 of Council Regulation 1954/2003. However, effort has been exchanged with other Member States. Information on these exchanges is detailed below –

2008 UK received 6,000 kW days of area VII crab effort from Ireland  
2009 UK received 23,000 kW days of area VII crab effort from Ireland and 2,754 kW days of area VII crab effort from France  
2010 UK received 20,506 kW days of area VII crab effort from Ireland  
2011 UK received 9,575 kW days of area VII crab effort from Ireland

- 5. Please confirm what method of allocation for vessels flying the UK flag was decided on by the UK under Article 20(3) of Regulation 2371/02 in respect of edible crab and spider crab and communicated to the Commission, providing**

**a copy of such communication.**

Until 2013, the UK managed and monitored the crab fishery in area VII without active intervention therefore, no allocation of effort has occurred. 2013 is the first year whereby active management has been adopted. This is currently in the form of an industry-led voluntary agreement which commits each vessel to reducing its days at sea for the remainder of 2013 by a minimum of 20% based on historical levels of activity.

- 6. Please confirm whether the fishing effort for crabs in ICES VII has been allocated pursuant to Article 3(1)(b) of Regulation 1954/03 or otherwise since 2004 and, if so, providing copies of such allocations and the methodology/calculations supporting such allocations.**

No. Effort has not been allocated prior to 2013 (details above).

- 7. Please provide copies of any rules, regulations, guidelines or guidance at UK and/or EU level on the method used to calculate the kW capacity of a vessel and the number of days in the calculation of kW days of fishing effort for edible crab and spider crab fisheries.**

The method used to calculate kW days is in line with Annex I of Council Regulation 1415/2004. This methodology is described on the MMO website and the relevant text is copied below

[http://www.marinemanagement.org.uk/fisheries/management/days\\_western\\_backround.htm](http://www.marinemanagement.org.uk/fisheries/management/days_western_backround.htm).

*The regime limits are in terms of kilowatt (KW) days of effort allowed in the individual sea areas for three types of activity that target: demersal species, crabs and scallops. KW days of effort are calculated by the days at sea for each vessel carrying out fishing activity within the areas multiplied by the engine power of the vessels involved. The limits were based on information on the activity of the UK fleet in the years 1998 to 2002.*

- 8. What data is used to establish the amount of hours a particular vessel has fished at a particular time? Is there a formula that you use (either adopted by the MMO or set out by the European Commission).**

Individual vessel effort uptake is assessed using trip data as submitted using electronic logbooks. These data are linked with landings declarations and vessel sales notes. A fishing 'day' comprises a single calendar day (midnight to midnight), or part thereof. kW days are calculated by multiplying the number of days (or part thereof) at sea by the vessel's engine power.

- 9. As you are aware with reference to the calculation of fishing effort in crab fisheries, there is a significant difference between steaming out to fishing**

**grounds and actually fishing itself, particularly in respect of shell fishermen who often spend 12 hours of each 24 hour period sleeping and resting as opposed to fishing in that time period. To what degree are such particularities taken into account in the calculation of fishing effort for shell fishermen?**

Any trip that is undertaken in area VII and where a vessel (15 metres in length or over) is targeting and landing crabs will be counted against the UK's effort uptake. A trip starts when a vessel departs from port and ends when it returns to port. Steaming trips when a vessel is travelling from one port to another and where no fishing is conducted are not included.

**10. How will you establish what the appropriate domestic effort would be for Great Britain for edible crab and spider crab in ICES VII when the review of the Western Waters regime takes place for 2014? Is there a timeline on the review of the regime and have any steps been taken in contemplation of such review, providing a copy of relevant documents?**

The European Commission have not notified us of a timescale regarding the review of the Western Waters regime or what method will be used to establish the effort allocation for Member States. Once we receive this information we will be in a better position to consider options for the review and to consult with industry.